

# HOUSE BILL No. 6059

May 23, 2018, Introduced by Reps. Sabo and VanSingel and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled  
"Skilled trades regulation act,"  
(MCL 339.5101 to 339.6133) by adding section 202.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 202. (1) THE DEPARTMENT SHALL ESTABLISH A PROCEDURE THAT  
2        ALLOWS AN INDIVIDUAL TO OBTAIN A PRELIMINARY DETERMINATION FROM THE  
3        DEPARTMENT CONCERNING WHETHER ANY COURT JUDGMENTS AGAINST HIM OR  
4        HER WOULD LIKELY RESULT IN A DENIAL OF A LICENSE OR REGISTRATION  
5        FOR FAILING TO MEET THE GOOD MORAL CHARACTER REQUIREMENT FOR THAT  
6        LICENSE OR REGISTRATION.

7        (2) ALL OF THE FOLLOWING APPLY FOR PURPOSES OF SUBSECTION (1):

1 (A) TO OBTAIN A PRELIMINARY DETERMINATION UNDER THIS SECTION,  
2 AN INDIVIDUAL MUST FILE A REQUEST THAT MEETS ALL OF THE FOLLOWING:

3 (i) IS SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT.

4 (ii) IDENTIFIES THE LICENSE OR REGISTRATION FOR WHICH HE OR  
5 SHE MAY APPLY.

6 (iii) INCLUDES A DETAILED DESCRIPTION OF ANY CRIMINAL OR CIVIL  
7 PROCEEDINGS THAT RESULTED IN A JUDGMENT AGAINST HIM OR HER.

8 (iv) INCLUDES THE NONREFUNDABLE FEE REQUIRED BY THE  
9 DEPARTMENT.

10 (B) THE DEPARTMENT SHALL ONLY CONSIDER THE INFORMATION  
11 PROVIDED BY AN INDIVIDUAL UNDER SUBDIVISION (A) (ii) AND (iii) IN  
12 MAKING A PRELIMINARY DETERMINATION.

13 (C) A PRELIMINARY DETERMINATION UNDER THIS SECTION THAT IS  
14 ADVERSE TO AN INDIVIDUAL DOES NOT PREVENT THE INDIVIDUAL FROM  
15 SUBSEQUENTLY APPLYING FOR A LICENSE OR REGISTRATION.

16 (D) THE DEPARTMENT OR A BOARD IS NOT BOUND BY A PRELIMINARY  
17 DETERMINATION UNDER THIS SECTION IF THE INDIVIDUAL APPLIES FOR A  
18 LICENSE OR REGISTRATION UNDER THIS ACT.

19 (E) THE ISSUANCE OF A PRELIMINARY DETERMINATION UNDER THIS  
20 SECTION DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO REVIEW  
21 APPLICATIONS FOR A LICENSE OR REGISTRATION, OR TO ISSUE OR DENY A  
22 LICENSE OR REGISTRATION.

23 (F) THE DEPARTMENT SHALL NOTIFY AN INDIVIDUAL OF A PRELIMINARY  
24 DETERMINATION BY DELIVERING A PRELIMINARY DETERMINATION LETTER TO  
25 THE INDIVIDUAL, IN A FORM DETERMINED BY THE DEPARTMENT.

26 (3) AN INDIVIDUAL SHALL NOT REQUEST MORE THAN 1 PRELIMINARY  
27 DETERMINATION UNDER THIS SECTION IN ANY 120-DAY PERIOD.

1           Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.